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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,398	07/01/2003	Markus Aholainen	944-004.030	3214
4955	7590	07/12/2006		
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER	
			PHUONG, DAI	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 07/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,398	AHOLAINEN ET AL.	
	Examiner Dai A. Phuong	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-10,13,15,17,18 and 25-49 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-10,13,15,17,18 and 25-49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 January 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/19/2006 has been entered. Claims 2, 11-12, 14, 16 and 19-24 have been canceled. Claims 25-49 have been added. Claim 1, 3-10, 13, 15, 17-18 and 25-49 are currently pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 27, 32, 34, 39-40, 42 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukasawa et al. (Pub. No: 20060133307).

Regarding claim 27, Fukasawa et al. disclose a method, comprising: storing in a contacts bearer data store 40 a plurality of bearers forming a list of possible bearers for a contact that is indicated by an identifier in the contacts bearer data store (fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the application/bearer management unit 22 divides into a memory unit

adapted 40 to store *a bearer configuration table and a bearer selection table* and the registration unit 42 will receive *notification of active bearers* and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table), wherein the bearers are for use in communicating with the contact and are stored in the contacts bearer data store so as to be associated with the contact via the identifier (fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table. In a subsequent step S16 the bearer assignment modification unit 44 will detect on a change of active bearers and/or active applications); and selecting a bearer for the contact from the list of possible bearers for the contact based on the identifier (fig. 3, [0093]-[0095] Specifically, Fukasawa et al. disclose to assign the next active application to an available bearer service according to predefined rules; and fig. 6, [0110]-[0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table), and attempting to establish communication with the contact using the selected bearer (fig. 3, [0093]-[0095] and fig. 6, [0110]-[0118]).

Regarding claim 32, this claim is rejected for the same reason as set forth in claim 27.

Regarding claim 34, this claim is rejected for the same reason as set forth in claim 27.

Regarding claim 39, Fukasawa et al. disclose a method for use by a wireless communication device (fig. 1, [0078] to [0083]), comprising: receiving an input from a user of the wireless communication device 12 indicating a command for contacting a second user 14 (fig. 1,

[0078] to [0088]. Specifically, Fukasawa et al. disclose a mobile endpoint 12 accesses to a service endpoint 14 via a heterogeneous wireless communication 10. A middle platform 16 dynamically adjusts at least one bearer service provided to the heterogeneous wireless communication 10 according to an operational of the mobile endpoint 12); obtaining association information relating to contacting the second user 14 (fig. 2, [0087] to [0090]. Specifically, Fukasawa et al. disclose the middleware platform 16 is adapted to dynamically adjust at least one bearer service provided to the heterogeneous wireless network 10 according an operational context of the mobile endpoint 12; and fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the application/bearer management unit 22 divides into a memory unit adapted 40 to store *a bearer configuration table and a bearer selection table* and the registration unit 42 will receive *notification of active bearers* and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table), wherein the association information includes at least two possible bearers for establishing a wireless communication connection with any of one or more devices of the second user (fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the application/bearer management unit 22 divides into a memory unit adapted 40 to store *a bearer configuration table and a bearer selection table* and the registration unit 42 will receive *notification of active bearers* and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table), and the association information is related to contacting the second user via an identifier of the second user included with or indicated in the association information (fig. 7, [0110] to [0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in

the memory unit 40, e.g., the bearer configuration table and the bearer selection table); selecting one of the at least two possible bearers for contacting the second user 14 based on the identifier (fig. 7, [0110] to [0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table); and attempting to establish communication with the second user by initializing a wireless communication connection via the selected bearer (fig. 3, [0092] to [0095] and fig. 6 to fig. 8, [0110] to [0119]).

Regarding claim 40, Fukasawa et al. disclose all the limitation in claim 39. Further, Fukasawa et al. disclose a method wherein the selecting of a bearer is based on a predetermined selection strategy 14 (fig. 2, [0087] to [0090]).

Regarding claim 42, this claim is rejected for the same reason as set forth in claim 39.

Regarding claim 44, this claim is rejected for the same reason as set forth in claim 39.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-10, 13, 15, 17-18, 25-26, 28-31, 33, 35-38, 41, 43 and 45-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa et al. (Pub. No: 20060133307) in view of Kukkohovi (U.S. 6119003).

Regarding claim 1, Fukasawa et al. disclose a method for a communication device 12 (fig. 1, [0078]-[0083]), comprising: storing in a contacts bearer data store association information for a contact that is indicated in the contacts bearer data store by an identifier (fig. 7, [0110]-[0118]). Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table), the association information including a list of at least two possible bearers for providing a connection to the contact (fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive *notification of active bearers* and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table), wherein each of the possible bearers for the contact is stored so as to be associated with the contact via the identifier for the contact (fig. 3, [0092] to [0095]. Specifically, Fukasawa et al. disclose the bearer capability detection unit 20 is adapted to detect available bearer services and/or related bearer capabilities. The application/bearer management unit 22 is adapted to manage and provide at least one bearer service for at least one active application running at the mobile endpoint and fig. 7, [0110]-[0118]. Specifically, Fukasawa et al. disclose the registration unit 42 will receive notification of active bearers and active applications which information is preferably stored in the memory unit 40, e.g., the bearer configuration table and the bearer selection table); and selecting from the contacts bearer data store one of the at least two possible bearers for the contact based on the identifier (fig. 3, [0092] to [0095]. Specifically, Fukasawa et al. disclose the bearer capability detection unit 20 is adapted to detect available bearer services and/or related bearer capabilities. The application/bearer management unit 22 is adapted to manage and

provide at least one bearer service for at least one active application running at the mobile endpoint) and either based on a predetermined selection strategy (fig. 9 to fig. 13, [0088] to [0090]. Specifically, Fukasawa et al. disclose the middleware platform 16 is adapted to dynamically adjust at least one bearer service provided to the heterogeneous wireless network 10 according an operational context of the mobile endpoint 12 and [0118] to [0130]); wherein the apparatus is configured to select the bearer for the contact automatically without requiring an input by a user of the communication device ([0088] to [0090]. Specifically, Fukasawa et al. disclose the middleware platform 16 is adapted to dynamically adjust at least one bearer service provided to the heterogeneous wireless network 10 according an operational context of the mobile endpoint 12 and [0118] to [0130]).

However, Fukasawa et al. do not disclose based on trying each of the at least two possible bearers in turn until the connection is made.

In the same field of endeavor, Kukkohovi discloses based on trying each of the at least two possible bearers in turn until the connection is made (col. 4, lines 42-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile endpoint of Fukasawa et al. by specifically including based on trying each of the at least two possible bearers in turn until the connection is made, as taught by Kukkohovi, the motivation being in order to provide an automatic mode selection in a terminal for connecting to different networks.

Regarding claim 3, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method further characterized by comprising: referring to an owner bearer data store to obtain a list of bearers available for use in

establishing a connection to another communication device and determining a list of both possible and available bearers for the contact by eliminating from the list of possible bearers for the contact any bearer that does not occur on the list of available bearers (fig. 8 to fig. 13, [0114] to [0130]).

Regarding claim 4, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein a public source of contact information is used in obtaining the association information (fig. 8 to fig. 13, [0114] to [0130]).

Regarding claim 5, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Kukkohovi discloses a method wherein in obtaining the association information, a second device communicates to the device the association information needed by the automatically selecting a bearer for communication with the contact (col. 4, lines 42-59).

Regarding claim 6, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein the predetermined selection strategy indicates selecting a bearer based on at least one of the following selection criteria: acceptable price; acceptable bandwidth; acceptable latency; as ordered in a list hosted in the device; fastest to connect when the first device attempts to make different connections in parallel via different possible bearers; wherein the acceptable price, acceptable bandwidth, and acceptable latency are as compared to predetermined thresholds for price, bandwidth and latency ([0105]; [0118] and [0130]).

Regarding claim 7, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 6. Further, Kukkohovi discloses a method wherein the predetermined threshold for latency indicates a minimum quality of service requirement for the connection (col. 5, lines 60 to col. 6, line 8).

Regarding claim 8, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 7. Further, Kukkohovi discloses further comprising periodically comparing the quality of service to the minimum quality of service requirement during communication via the connection and initiating a bearer change if the quality of service is no longer sufficient (col. 5, lines 60 to col. 6, line 8).

Regarding claim 9, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose wherein the association information includes a bearer identifier for each of at least two different bearers both associated with same second device ([0088] to [0098]).

Regarding claim 10, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein the association information for each bearer further includes an indication of the contact, a bearer identifier, and an address for use with each the bearer ([0093] to [0095]).

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 17, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein the predetermined selection strategy indicates selecting a bearer based on at least one of the following selection

criteria: acceptable price ([0105]; [0118] and [0130]); acceptable bandwidth ([0105]; [0118] and [0130]); acceptable latency ([0105]; [0118] and [0130]); and fastest to connect and wherein the acceptable price ([0105]; [0118] and [0130]), acceptable bandwidth ([0105]; [0118] and [0130]), and acceptable latency are as compared to predetermined thresholds for price, bandwidth and latency([0105]; [0118] and [0130]). Further, Kukkohovi discloses as ordered in a list hosted in the communication device (col. 4, lines 36-59).

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 25, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 26, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 28, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 29, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method wherein the selecting of a bearer for the contact is based also on a predetermined selection strategy ([0087] to [0090]). However, Fukasawa et al. do not disclose based also on trying each of the possible bearers in turn until a connection is made for communication with the contact.

In the same field of endeavor, Kukkohovi discloses based also on trying each of the possible bearers in turn until a connection is made for communication with the contact (col. 4, lines 42-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile endpoint of Fukasawa et al. by specifically including based also on trying each of the possible bearers in turn until a connection is made for

communication with the contact, as taught by Kukkohovi, the motivation being in order to provide an to automatic mode selection in a terminal for connecting to different networks.

Regarding claim 30, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 31, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 33, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 36, this claim is rejected for the same reason as set forth in claim 29.

Regarding claim 37, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 38, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 41, Fukasawa et al. disclose a all the limitation in claim 39. However, Fukasawa et al. do not disclose a method wherein the selecting of a bearer is based on trying each of the possible bearers in turn until a connection is made for communication with the second user.

In the same field of endeavor, Kukkohovi discloses a method wherein the selecting of a bearer is based on trying each of the possible bearers in turn until a connection is made for communication with the second user (col. 4, lines 42-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile endpoint of Fukasawa et al. by specifically including a method wherein the selecting of a bearer is based on trying each of the possible bearers in turn until a connection is made for communication with the second user, as taught by Kukkohovi, the motivation being in order to provide an to automatic mode selection in a terminal for connecting to different networks.

Regarding claim 43, this claim is rejected for the same reason as set forth in claim 29.

Regarding claim 45, this claim is rejected for the same reason as set forth in claim 40.

Regarding claim 46, this claim is rejected for the same reason as set forth in claim 41.

Regarding claim 47, this claim is rejected for the same reason as set forth in claim 10.

Regarding claim 48, the combination of Fukasawa et al. and Kukkohovi disclose all the limitations in claim 1. Further, Fukasawa et al. disclose a method further comprising receiving an input from a user of the communication device indicating a command to provide a connection for communication with the contact ([0087] to [0090]).

Regarding claim 49, this claim is rejected for the same reason as set forth in claim 48.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong  
AU: 2617  
Date: 06-28-2006

  
**DUC NGUYEN**  
**PRIMARY EXAMINER**